

McWhorter, Scott

From: Cooper, Pam
Sent: Monday, December 07, 2015 2:12 PM
To: Kenny, Daniel
Cc: Grisier, Mary; TenBrook, Patti
Subject: FW: Roundup products used on roadsides

Dan –

Per my v-mail, we are not sure how to ensure compliance with the label language indicated below. The attached language is similar, but meant for applicators. Any thoughts ?

Pam

Pamela Cooper, Manager
Pesticides Office (LND-2-2)
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San Francisco, CA
415.947.4217

From: TenBrook, Patti
Sent: Tuesday, December 01, 2015 11:13 AM
To: Grisier, Mary
Cc: Cooper, Pam
Subject: RE: Roundup products used on roadsides

Mary,

Both RoundupMax (EPA Reg. No. 524-579) and RoundupPro (EPA Reg. No. 524-475) have the following language:

In the Non-Agricultural Use box: “Keep people and pets off treated areas until spray solution has dried.”
I would also note that the REI is 4 hours, which indicates that it probably takes about 4 hours for adequate drying.

Glyphosate is handled by OPP Registration Division, Herbicide Branch, Product Management Team 25. Dan Kenny is Branch Chief; 703-305-7546; Kenny.dan@epa.gov.

I found this chapter from a Hawaii Dept. of Transportation manual. See page 196 (34 of the pdf) for a Tip that recommends closing off until dry for areas of significant public use.
http://hidot.hawaii.gov/highways/files/2013/02/Landscape-ch10_PESTICIDES.pdf. That’s bothersome because it is a rather weak recommendation of an approach to implementing a label requirement.

The Labeling Consistency webpage has this related, but significantly different, question and response:

Labels with non-agricultural use requirements often have statements such as “Do not allow people or pets on treatment area during application. Do not enter treatment areas until sprays have dried...”

Regarding the second sentence of that statement, is it directed at all people or just workers that the applicator has control over? Is it the responsibility of the applicator to make sure that no one enters the treated area until sprays have dried, and if so, how can the applicator accomplish that when applying to roadside right-of –ways and other areas that they cannot realistically control? LC07-0123; 11/15/07

The label language cited (or similar labeling) appears on many labels with non-agricultural uses and must be read carefully in the context of the entire labeling of the product. There are many variations of the statements cited above and based on the wording of the statements they may have different meanings. On some labels the prohibitions against entry are specific to certain uses. On other labels the prohibitions are expressed in such a way that the prohibition applies to a broad array of uses.

The prohibition in the language cited above applies specifically to the applicator of the pesticide. The first sentence requires the applicator to keep people or pets from entering the treatment area during application. While the applicator may not be able to control the movement of people or pets into the area, the applicator can and must stop applying the pesticide if people or pets enter the area being treated. The second sentence prohibits the applicator from entering the treated area until sprays have dried. Neither sentence would require the applicator to have a continuing obligation to keep people or pets out of the treated area after application of the pesticide.

By that logic, it seems that for the Roundup products we're looking at, the applicator would be responsible for keeping people and pets out of the area until dry.

That's all I have for now. Let me know if you need more before approaching Enforcement Div. or OPP.

Regards,
Patti

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From: Grisier, Mary
Sent: Tuesday, December 01, 2015 9:17 AM
To: TenBrook, Patti <TenBrook.Patti@epa.gov>
Cc: Cooper, Pam <Cooper.Pam@epa.gov>
Subject: FW: Roundup products used on roadsides

Hi Patti-
Here's what Avis sent re: roadside products.

From: Onaga, Avis S [<mailto:Avis.S.Onaga@hawaii.gov>]
Sent: Monday, November 30, 2015 4:25 PM
To: Grisier, Mary <Grisier.Mary@epa.gov>
Subject: Roundup products used on roadsides

Hi, Mary,

The three Big Island complaints about highway spraying involved Roundup ProMax Herbicide (EPA Reg. No. 524-579) and Roundup Pro Concentrate Herbicide (EPA Reg. No. 524-529).

Maui's complaints involved Roundup Pro Herbicide (EPA Reg. No. 524-475) and Roundup ProMax Herbicide (EPA Reg. No. 524-579),

Oahu's complaint involved the use of Roundup ProMax Herbicide (EPA Reg. No. 524-579).

There were no recent complaints involving highway spraying on Kauai.

Regards,

Avis
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